

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NICHOLAS BENNETT,

Plaintiff,

v.

DR. KIM and DR. SYED,

Defendants.

ORDER

20-cv-861-jdp

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Plaintiff Nicholas Bennett, appearing pro se, is a prisoner at the Dane County Jail. Bennett alleged that jail medical staff delayed in giving him medical treatment after two separate incidents in which he slipped on the floor and fell. I dismissed the case for Bennett's failure to state a claim upon which relief may be granted; even after I gave him a chance to amend his complaint, Bennett was unable to explain how either of the two named defendants—Dr. Kim and Dr. Syed—violated his rights. *See* Dkt. 10. Judgment was entered on November 10, 2020.

Now Bennett has filed a submission that he titles as a motion to supplement his complaint, Dkt. 12. He states that he wishes to amend his complaint to name the Dane County Jail as a defendant instead of Kim and Syed, and he requests that I vacate the dismissal of his case and remove the “strike” that I have assessed him under 28 U.S.C. § 1915. He states that he misunderstood my previous instructions for how he needed to fix his complaint to state claims for relief and he suggests that he is ready to file another amended complaint fixing these problems, whether in this lawsuit or in a new one.

Nothing in Bennett's submission gives me a reason to vacate dismissal of his case. His pleading problem is not fixed by naming the jail or county as a defendant, because he did not

include the types of allegations that would show that the county could be liable for the violation of his constitutional rights, such as that a county policy or practice caused him harm. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 691 (1978). And he doesn't provide any further information suggesting how he plans on fixing his allegations so that he does state a plausible claim for relief against anyone involved in his medical treatment. Because Bennett says that he plans on fling a new complaint, I will give him a short time to do so. This is his final chance to state a claim in this lawsuit.

ORDER

IT IS ORDERED that plaintiff Nicholas Bennett may have until December 10, 2020, to file an amended complaint.

Entered November 30, 2020.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge